

**ENVIRONMENT, LAND ACQUISITION AND PLANNING COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE

MINUTES**

A special meeting of the Environment, Land Acquisition and Planning Committee was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on **December 10, 2002**.

Members Present:

Legislator David Bishop - Chairman
Legislator Ginny Fields
Legislator Andrew Crecca

Members Not Present:

Legislator Michael Caracciolo
Legislator Cooper

Also In Attendance:

Paul Sabatino II - Counsel to the Legislature
Tom Isles - Director of Planning
James Burke - Planning Department
Lauretta Fischer - Real Estate Department
Christine Costigan - Real Estate Department
Nicole DeAngelo - County Executive's Office
Vito Minei - Department of Health Services
Jim Bagg - Council on Environmental Quality
Alpa Pandya
Don Garber
James Wilson
Shelly Broven
John Broven
Martha Kelner
Mary Ann Spencer
Robert Mac Kay
All other interested parties

Minutes Taken By:

Donna Catalano - Court Stenographer

CHAIRMAN BISHOP:

Okay. Good afternoon. Welcome to the December 10th meeting of the Environment, Land Acquisition and Planning Committee of Suffolk Legislature. Please rise for the Pledge of Allegiance to be led by Legislator Crecca.

SALUTATION

CHAIRMAN BISHOP:

As I indicated earlier, Legislator Cooper is in transit, and Legislator Caracciolo has an excused absence for today's meeting.

LEG. CRECCA:

Mr. Chairman, I just want to publically apologize, I know I kept a lot of people waiting. Meetings have been running late all day, so I apologize to everyone.

CHAIRMAN BISHOP:

Is that the only issue you want to publically apologize for?

LEG. CRECCA:

It would be too long of a list. We'd be here too long.

CHAIRMAN BISHOP:

I have a number of cards. Everything seems to relate to the Sherwood Jayne acquisition. Everybody who filled out a card -- everybody who wishes to speak filled out a card; is that correct? If you haven't, please come up towards the podium, and there are yellow cards there that you can fill out. Our first -- what I'd like to try to do is bring you up in groups. I'll bring the first three cards. Don Garber, James Wilson and Shelly Broven. Please come to the table. The cards, if you're looking for the cards, they are by the stenographer there.

MR. GARBER:

For the record my name is Don Garber. I'm representing among other groups the Setauket Civic. Thank you for hearing us. As you know are aware, this is all relating to the acquisition of the Sherwood Jayne complex, which is two parcels; one, there is a smaller parcel, which has to do with agricultural development rights, another part has to do with the woodlands that are the north part. I'm like to make a number of points to keep it quite brief. One, the Setauket Civic has been involved in this parcel preserving it for quite a large number of years, and we really applaud you, and our representative, Vivian Fisher, for helping move this forward into a truly protective state. At one time this was in very big danger of development. The Sherwood Jayne property is an enormous asset to all of Suffolk County. In the old Rand McNally road maps of Long Island, they had these hand drawn red dots that would be very special places, and the Sherwood Jayne was there, as I think one of ten places in all of Suffolk County. So this

is -- this is an important place. And what I think it's very important to realize is that the acquisition is for the entire thing. And in order for funding to go forward it is artificially split up in agricultural development rights around the house retained by the

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present owner, SPLIA, and then for other funding realities to do the wooded portions split off and to be taken by the County as a preserve.

In reality, it's one entity that happens to be divided by various funding realities. When the glaciers came to Long Island and formed most of the topography, most of the glacial deposits were the outwash plain, a lot of sand, that's where pine trees grow. Along the top of the glacial moraines, there's is a little bit of sediment that was deposited. And so in Suffolk County, we have a very narrow strip of land where the glaciers were, and on that are oak hickory forests. This woodland is a very unique thing, especially unique amongst acquisition here because it is just a little strip of -- percentage wise -- of the land, and much of the oak hickory forest provides fabulous development for houses. So it's really quite endangered.

I think later the Director of SPLIA, the current owner, will be speaking, he has a -- really an itemized list of the all the myriad of animals and trees in this. But you should take the woods as it's part of the whole. In colonial times, this has a house from the 1700s, the woods were an integral part. This has been used for an educational development site. The -- the community wants this strongly preserved. The -- I have for an -- a letter, if I could, very short letter to read so I can keep my time down. It's from Conservationist United for Long Island, this is a very old environmental group of folks really under the auspices of Robert Cushman Murphy. To paraphrase the letter, they strongly support the acquisition of the SPLIA property, purchase of ten acres to the agricultural development rights of the historic Sherwood Jayne residence and out buildings to permit SPLIA to continue with traditional farming. The remainder of the property to the north, the Suffolk County Preserve, is unique North Shore area of Suffolk's freshwater wetland area and oak hickory forest would provide an excellent ecologically diverse educational experience of lasting importance.

You should be aware that this is really -- in the acquisitions, very often we spend a lot of money. The developer takes away the money. This -- we buy something as the Suffolk County, and that money will really come back to the people in Suffolk County in terms of more educational access and ecological education to an existing ongoing self supporting facility. Anyway, thank you for hearing me out.

LEG. FISHER:

Thank you, Don.

MR. WILSON:

Hi. My name is James Wilson. I'm a member of the Civic Association of the Setaukets. What I have to say is very brief. I'll say Amen to everything Don said. And I'll say that we're all for you doing your best to preserve this little ecological jewel that's in our town, because there are very very few open spaces left in our town. And we need every bit we can get of parkland.

CHAIRMAN BISHOP:

Thank you.

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MS. BROVEN:

Hello. My name is Shelly Broven. I live sort of catty corner from Sherwood Jayne House, at the old {Holtz} house, that's about 1740, same time period as Sherwood Jayne. Part of the glory of moving in to the neighborhood was the fact that there was so much loving land, so much agriculture around it, and I think -- I agree with Mr. Garber, the gentleman to my left, that the agreement should go through and preserve it. And I thank you very much.

CHAIRMAN BISHOP:

Thank you.

LEG. FISHER:

Thank you.

CHAIRMAN BISHOP:

The next three cards are Martha Keller, John Broven, apparently I broke up the Broven Family, and Mary Ann Spencer.

MS. KELNER:

Hi. My mane is Martha Kelner, I live on Old Post Road. I'm a native Long Islander, and I know what happened to Long Island in the last -- I'm 64 years old, and I've seen Nassau County, how it's changed, I've seen Suffolk County, how it's changed. I've been a school teacher, and I've taken my classes to different -- different places in Suffolk County to show how the colonials lived and worked. And I think that you should reconsider or consider how valuable this area, this very small area, is. And I just want to say, I agree with everybody here that it's something to be saved. It's very important. Thank you.

LEG. FISHER:

Thank you.

MR. BROVEN:

Good afternoon. My name is John Broven, and despite the accent, I am a resident of East Setauket, and I live with my wife Shelly in the

{Holtz} House. I'm not quite sure of the procedures here, but is it possible to give you some photographs that I have taken?

CHAIRMAN BISHOP:

Yes, it is. We're not quite sure of the procedures ourselves.

MR. BROVEN:

I'm pleased to hear that. These are three photographs I took during the winter of Sherwood Jayne and surrounding property in glorious technicolor. Mr. Chairman, how lucky and privileged I am to be able to walk my dog everyday pass the Sherwood Jayne property. The dog, of course, is an English Springer Spaniel. I'm able to enjoy the silver end setting, the lambs and the sheep in the meadow, the old orchard. Behind viewpoints are the wetlands, the woodlands and the wildlife. I see people drive up with cameras in hand, mothers with their children, showing them the lambs and the sheep all soaking up this lovely pastoral setting. I'm delighted that the Town of Brookhaven has agreed to contribute to the purchase of this invaluable property. I trust the County will be able to join in. This is Long Island as it was, as it is, and hopefully will be. Thank you, Mr. Chairman.

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LEG. FISHER:

Thank you.

CHAIRMAN BISHOP:

You have to top that.

MS. SPENCER:

I can't top that. I'm Mary Ann Spencer, and I spoke to you last week, and you've broken me up from our Director, Bob Mac Kay. So if I could wait until you call him.

CHAIRMAN BISHOP:

He's next, so. Okay. Thank you. No questions. Rob Mac Kay and William Shaub. Mr. Shaub and then work our way to the finally, which will be Mr. Mac Kay.

MR. SHAUB:

My name is Bill Shaub, I'm the President of the Civic Association of Setauket, but I'm also and educator-adjunct professor at Suffolk Community College. I'd like to bring just some of the -- reemphasize some of the points to you. The fact that this piece of property is the diamond in the rough. If you go past the property as the gentleman before described, it's a beautiful piece of property, has some unusual characteristics. And what we're trying to look at this particular point in time is a tremendous opportunity for a partnership between the County, between the town and between a public -- I'm sorry, a private non-for-profit organization to provide for the

residents of Suffolk as well as the residents of the entire Long Island a little of piece of history and to preserve that piece of history for us. For example, I think they mentioned the wetlands on the area. I don't know it was mentioned the fact that at one time those wetlands ran down what is now Van Brunt Manor Road down to a little bottling plant down at the end in that right in the harbor area that fed that -- they used to bottle this water and ship it into New York City when they had some problems with the water in the '20s and the '30s. So it has a very unique history. It has a place that we -- if we can preserve, will provide the residents of the County that slice of history, that looking at a farm, that looking at the things the way they used to be, and hopefully create a sense of community within the area of what that agricultural community at one time was. Thank you very much.

CHAIRMAN BISHOP:
Thank you.

MR. MAC KAY:

I'm Bob Mac Kay, I'm the Director of SPLIA. And I thought I would tell you about some of our recent activities at this site. The historic Sherwood Jayne House probably should be called the Jayne Sherwood House, because the Jaynes came first, and Mr. Sherwood brought it from the Jayne Family in 1908. But the Sherwood Jayne House is at the extreme southern limit of this property, which resembles a long ribbon stretching from Old Post Road all the way north to 25A. And there is -- where the -- the barn and the carriage house and the outhouse and various associated outbuildings are, and we have been conducting there for many years programs for -- educational

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programs for a school audience, particularly, of course, the fourth grade curriculum in New York, which focuses on local history.

And we have been holding, along with the Three Village Historical Society, a mini-summer camp at Sherwood Jayne, and, of course, it's famous for its Long Island Apple Festival. The Apple Festival attracted almost 4000 people this year. That's always on a Sunday in late September. But in recent years, we've -- we've begun to look beyond just the southern fringe of the property at all of those wonderful open spaces, the fields and the meadows. It's hard to find an 18th Century farm house now in Suffolk County, an 18th Century farmstead, that has in tact its woodlot, its orchard, its sheep meadow, all the of these different kinds of agricultural environment. And then, of course, beyond the open fields, beyond the great hay field above the house, woods that run all the way to Route 25A.

So we have -- we have begun to explore the natural attributes of this property with a series of walks, and these have been advertised in the

local papers, they've been open to the public, to our membership. And we've had, for example, Peter Schmidt of the Queens College Environmental Program do a winter walk. It was just about this time of year last year. And he talked about the types of trees on the property, quite fascinating. And as Don Garber said, many of them relating to colonial life to -- they all produce that we used in those times, and he talked about the tree sequencing that -- what occurs in that transition from meadow to forest. We've had Alan Russo now give a total of, I think, three walks over the last three years at Sherwood Jayne. Alan Russo is a naturalist, well know Long Island naturalist, and educator who teaches for BOCES and the Setauket Environmental Association among other organizations. He did at Sherwood Jayne a medicinal plant walk. He found plants in -- in the fields and on the hillsides and the forest that we use for a variety of colonial medicines. It's all -- it's all there, it's been occurring there naturally for all these centuries.

And most recently, this fall, we had Richie Lettus of the -- who owns the Wild Bird Center in Stony Brook and is active with the Audubon Society, do a bird walk, and that was very successful. All of these have been well attended. And on the bird walk they saw an Indigo Bunting, a rare cobalt blue finch, which they were very surprised to see. We believe that there are a number of birds on the threatened and endangered list who make their home there. I have seen Grey Horned Owls there, and, of course, Red Fox nest in the woods. And I've also seen Stag Deer, it has -- it's quite a habitat. And so this we would like to -- if this all comes to pass, it will give us the funding, and that funding would be added to the Sherwood Jayne endowment to increase our programming at the site. And we'd like to particularly explore these programs in dealing with nature and the environment. We have with us today Sue Gloistein, who is our property manager for both Sherwood Jayne and the Thompson House in Setauket. Last year we computed Sue's time, she's 1/10 of full time. Well, we need a lot more than that to bring to the public the opportunities, the treasure that this property is and the opportunities that it holds for public education. So that's some of what we'd like to do there. I'll stop if anyone has questions.

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CHAIRMAN BISHOP:

Let's begin with what is SPLIA?

MR. MAC KAY:

It sounds like a liver disease. It's an acronym for a very long name; it's the Society for the Preservation of Long Island Antiquities. We were modeled more than a half century ago on a similar organization in New England, SPINEA, the Society for the Preservation of New England Antiquities. We own historic house museums that run the length of Long Island, we advocate historic preservation, we have a gallery for

changing exhibits in Cold Spring Harbor, we do a lot of publishing and Long Island historical themes, we have a significant collection of Long Island decorative arts, and, of course, are involved in educational programs at our historic house museums.

CHAIRMAN BISHOP:

So you run a number of museums and historic homes. How many all together roughly?

MR. MAC KAY:

Half a dozen.

CHAIRMAN BISHOP:

And they're --

MR. MAC KAY:

Brooklyn to Sag Harbor.

CHAIRMAN BISHOP:

Brooklyn to Sag Harbor, so there's one in Broadly, one in Queens, one in -- two in Nassau.

MR. MAC KAY:

Actually, most are in Suffolk County.

CHAIRMAN BISHOP:

Most are in Suffolk County. Does SPLIA receive government funding.

MR. MAC KAY:

Very little. We're a private 501 C3 not-for-profit. Our funding comes from wherever we can find it, every conceivable direction, contributions and benefits and memberships and small -- a small amount almost every year from Suffolk County toward -- there's relatively little governmental funding involved.

CHAIRMAN BISHOP:

Now, SPLIA owns this entire group of parcels, the back of which is the farm and the front of which is the dwelling, is that...

MR. MAC KAY:

We're talking about a piece of property that's almost 50 acres, it's 49 and a fraction. That's the Sherwood Jayne property. It does have, as I said, a house museum and a number of connected out-buildings, and they're all clustered on the southern edge of this property.

CHAIRMAN BISHOP:

That's what I refer to the as the front, that's 2235?

MR. MAC KAY:

I have a small map with me if it would help.

CHAIRMAN BISHOP:

Okay. So the buildings are in the front, that's Resolution 2235. And you're proposing -- or Legislator Fisher's proposing to sell it to the County for how much?

LEG. FISHER:

That's the parcel that we're talking about, the farm land development, 2235.

CHAIRMAN BISHOP:

2235. That's the back then, or is that the front?

LEG. FISHER:

That's the farm, that's the front, that's the farmland development.

CHAIRMAN BISHOP:

How many acres is that? I'm sorry.

LEG. FISHER:

That's a little over ten acres.

CHAIRMAN BISHOP:

Oh, the farm is smaller then the --

LEG. FISHER:

Then the woodland.

CHAIRMAN BISHOP:

Okay. Ten acres of farm. So is it an outright purchase piece, or are buying just the -- proposing that we purchase just the development rights?

LEG. FISHER:

Well, I think -- I think Counsel is trying to respond to that. And there is a Brookhaven resolution on that.

MR. SABATINO:

That one's the development rights, but the town is putting in its 30% share, so it's 70/30.

CHAIRMAN BISHOP:

And how much -- are we out of planning steps? Do we have a dollar amount with that?

LEG. FISHER:

I think Jim Burke is coming up with that answer.

MR. BURKE:

The development rights is 80,000 an acre, so it's roughly 10 acres subject to a survey, but we're talking about 800,000. We shared 70/30

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with the Town of Brookhaven.

CHAIRMAN BISHOP:

That's the farm. Then we have the remaining acreage. The remaining acreage has the dwelling or that's woodlands?

MR. BURKE:

That's woodlands.

CHAIRMAN BISHOP:

That's woodlands and wetlands.

MR. BURKE:

That's correct.

CHAIRMAN BISHOP:

And we're buying, the County, at 100%.

MR. BURKE:

That's correct, under the multifaceted.

CHAIRMAN BISHOP:

And how much is that?

MR. BURKE:

That's -- that is 90,000 an acre for approximately 36 acres, which that amount is included in resolution, it's about \$3.2 million.

CHAIRMAN BISHOP:

Thank you. With the -- with the four -- \$4 million, SPLIA dedicates the entire 4 million back into this project?

MR. MAC KAY:

That's right. It would be added to the existing endowment for Sherwood Jayne. It would enable us to care of upwards of \$200,000 of work that needs to be done on the house of a capital nature. It has an asbestos roof we'd like to replace. We'd like to have a better bathroom for school programming, handicap accessible, and to do -- to take care of the number of historic out-buildings that need attention. And we would like to have a full time administrator for the site and an extensive offering of programming for our audiences. And that's the school audience, that's certainly our neighbors. We'd like to -- in terms of any kind of future natural programs that would occur there, you know, we would like to work with them towards something

that would be of interest to the community as well.

CHAIRMAN BISHOP:

What is the existing endowment?

MR. MAC KAY:

I don't have that figure today. I know that the organization's endowment is down almost a third since the Stock Market collapse of late 2000.

MS. SPENCER:

I'd like to add something that -- when Bob talks about adding this to

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the existing endowment, we -- we take a small percentage of that every year, only about 5%. And we would continue -- that has allowed us to maintain the property to this point, and we would continue that policy and therefore, hopefully retain -- maintain --

CHAIRMAN BISHOP:

It's an interesting proposal, and it's testimony to the cleverness -- and I mean that in the best sense of the word -- of Legislator Fisher and the departments that she worked with. It's more than the entire historic preservation budget for Long Island in this one purchase; am I correct? And the money goes -- nothing changes, it just goes back into the --

LEG. FISHER:

Although, if we were purchasing this from a developer, it would give no benefit to the people of Suffolk County, it would just go into a developer's pocket, if it were privately owned. So we're very fortunate that this is something that provides the funding for a -- that provides stewardship for open space and a County park.

CHAIRMAN BISHOP:

Let me ask you this.

MR. MAC KAY:

If I could break in. We -- the society's board received permission from the Attorney General to -- and the Superior Court of the State of New York to sell this property in the 1980s. In 1989, it advanced a proposal to build cluster housing in one portion of this property. That was withdrawn, there was a strong reaction from the community. It was also -- '89 was the beginning of a recession that was questioning whether the cluster housing would be saleable at that point in time. The '90s saw endowments rise including ours. That is not the case now.

CHAIRMAN BISHOP:

Tell me the name of another --

MR. MAC KAY:

The property is not currently for sale, but it could be in the future if our Board of Trustees decides in its fiduciary responsibility that it needs to take action to increase the endowment.

CHAIRMAN BISHOP:

What is a name of the another parcel you have --

MR. MAC KAY:

Let me say that we receive almost every month a letter from a realtor inquiring about the property, making offers for the property.

CHAIRMAN BISHOP:

There's no doubt. Tell me the name of another parcel that you own in Suffolk County.

MR. MAC KAY:

The Custom House in Sag Harbor, the Lyoyd Manor House in Lyoyd Neck.

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CHAIRMAN BISHOP:

Take the Custom House for example, why wouldn't the next resolution be to -- for the County to buy the Custom House back from SPLIA?

MR. MAC KAY:

Because there's no land around the Custom House or the -- or the other houses. This is the only -- what's unusual -- as I was saying before, what's so unusual about this property is that it is -- it has all of its fields and its woodlots still connected with it. We saw the County acquire Sagtikos Manor in the last few weeks. Sagtikos has lost its context, okay. It still has, what, ten acres, Jim, around it? It once had all of the same kinds of fields and woods that Sherwood Jayne did. That's what makes Sherwood Jayne so unusual.

CHAIRMAN BISHOP:

What I'm feelings for is an answer from somebody as to why this isn't a precedent for every historical structure to be bought by the County in order to fund its ongoing operations. What it's the distinction? Why is this one different?

MS. SPENCER:

As I see it, this is not -- this is not the historic house that you're purchasing. What you're purchasing is the setting around the house, the farm setting, the field, that allows us to pursue agricultural on -- in this that setting as well as the woodlands. And as Bob pointed out, sight and setting is something that has virtually disappeared on

Long Island.

MR. BURKE:

I think this is just like any other open space purchase, Legislator Bishop. It's 36 acres of unrestricted land that could be sold to a developer tomorrow. It could be developed on two years from now. It's no different than any other open space preservation property that we have in the County.

LEG. FISHER:

And, Jim, further to that, the farm piece of it is, I think, similar to many other farmland development acquisitions, because I live fairly close to this, I drive past it. It is truly a sense of being linked to our agricultural past. To drive by here and see the split rail fence and sheep and horses grazing, it's just a magnificent thing to see, and it is farmland. It is -- we're not purchasing a historic -- a historic structure, we're purchasing the farmland development rights. And I think this is the purest example of why we do farmland development rights, why that program exists. Because we're protecting not only the space and the environmental elements, but also our agrarian historic elements.

And this is a clear example of it. And the open space is just an open space acquisition. The other 36 acres, we're talking about woodland with endangered species, with very unique flora and fauna, with wetland, and also with historical implications, because we see the woodlands that had been used by colonists throughout our history. And with this actually, we have the added the advantage of having a built in steward, to walk people through these properties and educate our children.

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CHAIRMAN BISHOP:

I'm just wrestling with the -- when something is owned by a historic preservation society or preservation of antiquities, you assume at that point that its mission is not to develop it. So you --

LEG. FISHER:

And you know what? I see what you're saying. The community wrestled with this in 1989 when SPLIA was saying that their trustees had said that they were in need of funds, that the, I guess, the endowment needed some beefing up, and they were actually talking about selling some of those woodlands for cluster homes, because not-for-profits, just as anyone else, needs income to -- for their programmatic endeavors and capital programs. If you have a big farm house, you have to repair it, you have to replace roofs, you have to have handicapped access, as Mr. Mac Kay explained, and that takes money. And in perpetuity, they would be willing to take care of this.

CHAIRMAN BISHOP:

Does the society have rights to sell any of its other parcels? Is this unique that this is the only one that you could possibly...

MR. MAC KAY:

I don't know if I can answer that question.

CHAIRMAN BISHOP:

You said that you have an Attorney General --

MR. MAC KAY:

I think there was a will in this case, and when there's a will, I guess questions can be raised as to what the intent was. And so they did go through that process with Sherwood Jayne. In terms of other buildings, I suppose maybe the answer would be yes, in some cases no, in other cases I don't know.

CHAIRMAN BISHOP:

Okay. Yes.

MS. SPENCER:

Our other properties also have endowments, and we maintain them.

CHAIRMAN BISHOP:

You segregate the endowments and they...

MS. SPENCER:

Absolutely. And there is a property that we do maintain though it doesn't have an endowment, and that's the Thompson House.

CHAIRMAN BISHOP:

Thank you. Is there anybody else who wants to be heard on this issue? Please come forward at this time. Second bites at the apple are allowed.

MR. HOROWITZ:

Hello. My name is Erwin Horowitz, and I live at 45 Old Post, so I am most next -- my property is directly next door to the farm in question. It would be self seeking for me to say obviously I'm in

favor of this, so I'm not even going to say that. What I'm concerned with is your questions, which are good questions, but as an elected official, is it not your mandate to protect the people that you represent?

CHAIRMAN BISHOP:

Absolutely.

MR HOROWITZ:

And I would think that this is certainly a worthy way of representing a way of life that was historically never to be repeated again. I think there are many forms of protection, but certainly for us to become a County of 25A and Davis Peach Farms, which are now cluster housing, I think that -- I don't say that that's certainly the Legislature's fault, but I think that when the Legislature has an opportunity to preserve something as wonderful and unique as this piece of land is, I think that you guys would be remiss if you don't. That's not to say that I don't understand your questions oh how SPLIA works and so forth. I was rather shocked to find that as they're next-door neighbor that SPLIA could sell the land, but that's something else. I'm an attorney, I don't practice law, so I was just as confused as anybody else. But I do think that really it's an opportunity for Suffolk County to step up and try to undo some of the harms that were done with unlimited building, and that's precisely what I feel. Thank you.

CHAIRMAN BISHOP:

Thank you.

MS. BROVEN:

With my minute and a half left, if I may have it. Actually, what Mr. Horowitz said, was something, I think, maybe Mr. Bishop, you addressed, that is this a precedent for other things that might happen. And frankly, if they are protected, the lands are protected, I think it's a good precedent. And I think what Mr. Horowitz said about Davis Peach Farms and so forth, that's not a good precedent to follow. I think maybe we should follow the higher route. That's my statement.

CHAIRMAN BISHOP:

Thank you. Mr. Mac Kay, I have a couple more questions that occurred to me if you have another minute for me. The -- if the Legislature were to approve one of these resolutions, let's say the farmland purchase, what would happen to the wood in that circumstance?

MR. MAC KAY:

Well, I think the woods are probably the most the -- the property that might be more subject to sale in the future. And I don't think our Board of Trustees wants to sell any property, but if they have to sell property, they may well at any time in the future. Our founder, Mr. Sherwood, planned to -- was thinking about selling the back half of the property before his death in 1957, that's documented in the society's the minutes, the minutes of our board meetings. And so they're very aware that even Mr. Sherwood was thinking, our founder and endower, of selling the back half of that property. That will remain -- you know, unless the County were to acquire it, that

possibility will remain going forward. Certainly hope it doesn't happen when I'm around, but -- and I think this concerns the community as you've heard today. So it is -- I think we heard a number of people saying this is really no different than other properties that you have considered, and that's absolutely the truth. It doesn't -- the form of ownership is not lessening the -- the threat for the future.

CHAIRMAN BISHOP:

Well, that's what I don't -- I don't understand that, because if a historical society -- I'm calling it a historical society --

MR. MAC KAY:

Okay. Go ahead, ask your question.

CHAIRMAN BISHOP:

If an institution like yours receives with your mission an \$800,000 grant, so to speak, because you're getting \$800,000 to continue to -- for the farmland development rights, the remaining acreage would still be under threat -- immanent threat of development? How much do you need immediately to keep SPLIA's mission going? That's -- that's what I'm not --

LEG. FISHER:

He didn't say imminent threat, he said that there's a potential threat, and he can't guarantee that because in the will, there is -- there was an indication that Mr. Sherwood had considered the sale of the some of the woodland. Therefore, through the will and the endowment, later in the future trustees could opt to sell the woodlands. And our charge in preservation as -- you know, no matter who the owner is, our charge is to try to preserve unique parcels like this.

MS. SPENCER:

May I try? Here we have a property and a site and a lot of dreams for developing for the educational programming on that site. And right now, when we take 5% of the endowment every year, we can't even do the physical maintenance on the site. You heard Dr. Mac Kay say that there's over \$200,000 of deferred physical maintenance on that site. So that in order to realize the potential for that site, if -- if we sell the development rights for the farm, and if we sell for open space the woodland, then that endowment has enough for 5% a year to start to realize some of our dreams on that site.

CHAIRMAN BISHOP:

That's better. Beginning -- so in other words, with \$200,000 a year that you would draw down for the 4 million, you would expand the educational opportunities -- are you charging school districts also?

MR. MAC KAY:

They pay a small fee for attending the programs. I think it would be actual less than 5%. We have been told that that's high for the current climate. It's probably going to be more like 4% that's drawn off that endowment. And that doesn't -- it may sound like a lot of money, but at 4% it's not a lot annually for a house that should have, you know, a budget well in excess of one 100,000 I think.

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CHAIRMAN BISHOP:

Legislator Crecca.

LEG. CRECCA:

I guess, and don't take this as me being negative towards the proposal, but I'm trying to play a little bit of devil's advocate. I guess one of my questions is if -- what would stop other historical society, for example, Smithtown Historical Society has a number of land holdings, and to stop them from coming to us and saying we can't afford to continue operating programs that we run, so, you know, we need to get the County to but --

MR. MAC KAY:

I think I've visited most historic sites -- most house museums anyway in this County. I've been doing this for quite a few years. The typical house museum is something like the Thompson House, which is on an acre of property, which long ago -- there's something called Thompson's Haypath Road, a cross road, but all you see on Thompson's Haypath Road are residences, you don't see hay fields any more. These -- these historic house museums have, you know, all lost their -- their agricultural context. You know, the Smithtown Historical, i'm familiar with that property, it's covered with buildings, it's not -- it's not this open space that we're talking about here.

LEG. CRECCA:

Guys. Welcome back. What I have asking was -- okay, I apologize. You know, the other thing too is has there been consideration -- I don't know if you've asked this already, Legislator Bishop, about selling off part of that -- it's a huge -- what is it, 30 acres of open space?

LEG. FISHER:

Thirty-six.

LEG. CRECCA:

Thirty-six acres. Has there been any talk about selling, you know, 15 acres of it and preserving 20 as open space and developing the 15 to allow you to -- I'm just throwing it out, I'm not saying I advocate that position. Boy, if looks could kill. Look at the look.

MS. SPENCER:

At this point in time the Board is firmly committed to preserving this site. There are no plans at this time to develop it, but that's not a guarantee about tomorrow. Not-for-profits -- the trustees for any not-for-profit have a fiduciary responsibility.

LEG. CRECCA:

Correct. But we have a responsibility to the taxpayers. And if there's no imminent treat of development of that -- of that parcel, you know, we have to question -- I'm not saying that that's our position, but we do have to question whether or not this is the best use of County dollars. We have other sites, for example, that may be under a much more serious developmental pressure where the money would be better applied now to that than this site. I guess my concern here is --

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LEG. FISHER:

Excuse me, because I think she had answered that before. I'm sorry to interrupt. But what she had -- what Mary Ann had earlier said -- or perhaps Mr. Mac Kay had said early, was that in 1989, the trustees had discussed selling a part of that, okay, for development, for cluster housing. And there was quite a reaction in the community to they're selling that woodland, which is very precious and unique woodland for development. And what we're trying to do through this open space acquisition is to preserve all 36 acres of woodland. There is danger -- Mr. Mac Kay had also mentioned that realtors call him monthly, if not more often. And so there is pressure of development, there is developmental pressure. And there has been in the past. In 1985 -- in 1989, it was quite a big issue in our community. So it has -- that has come up, precisely what you asked, have you thought off selling off parts of it. I think it was 12 acres across the street, I can't remember. Wasn't there some acreage you had talked about?

MR. MAC KAY:

Yes. Across the street from this property, 25 acres was sold by the society in the early '80s. So there's a history of selling this property that was directly across from Sherwood Jayne.

CHAIRMAN BISHOP:

Okay.

LEG. CRECCA:

Thank you. Again, don't take my questions as being against the bill. I'm trying to sort of -- we're trying to sort of push here, because we really --

MR. SHAUB:

Again, my name is Bill Shaub, I'm President of the Civic Association.

In your town we have about five or six large parcels of property that are available for commercial development at any time. I have to tell you, at least one a month I receive a proposal or plan that comes across my desk as President of the Civic Association for the development of those properties. There's Docker property up on 347, there's the Gyrodene property, which is also part of our area, which I just received another proposal for. I have to tell you, if the County does not act with -- in conjunction and form a partnership with the town and SPLIA, and the developers understand that this property may become available and their fiduciary responsibilities have to be met, there will be a proposal on my desk looking at planning and development for that area very quickly.

I think we have a unique opportunity here only because you ask why it's unique, and I have to tell you, the reason why I see this particular property as unique is because it's an intact parcel in the sense that it has the homes or the farmstead that you have on it, it also has the woodlands that are attached to it, it has the transition zone from the farm into the native area with the normal flora and fauna that has been grown. With the advantage of having things like the State University in the community, with the advantage of having nature walks and people being able to use the property in that direction, I think we have an opportunity to move ahead. The partnership with SPLIA is another issue because here if we take this

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initial step to go forward in this, SPLIA will be managing this property, SPLIA will be the guardians of this property and ensure for whatever time it is that they have these things that there will be an active site, and I'm quite sure they have plans of developing more, putting more historic buildings. If I remember correctly, there are three numbered buildings still remaining on that property that haven't been constructed. The Fire Department, and I'll speak from a personal point of view, is interested in obtaining one of the buildings which was the original firehouse that was in Setauket that was a blacksmith shop that was erected in the late 1880s going into the 1900s. So there's a lot of history and a lot of things that the community as well as Suffolk County can get out of this. So that's what make this little piece of property unique.

CHAIRMAN BISHOP:

Let me ask you something as the Civic President. There's a fund with \$ 10 million in it, and greedy developers own -- you know, have access to four separate potential lots, why should this one stand first when it is already owned by a historical society? Shouldn't it -- logically we go and protect the other ones that you're naming first, wouldn't that be the logical way?

MR. SHAUB:

If you want to -- this may come out and sound extremely prejudice for the community that I live, but if you picked up the newspaper today and you looked at the fact that one of the kids from Ward Melville High School was {SEMIS} Science Award winner, for those of you, that's the Intel and before that it was the Westinghouse Award winning, and you look at the school district and you look at the fact that within a community you have Stony Brook University, a University Hospital, what have you, I could turn around today put my house for sale and tell you by the end of the week, someone will buy that house. That's the kind of turnover. If you've seen the development in -- and it's not just my area --

CHAIRMAN BISHOP:

My point was there's a finite amount -- there's a pie, and we have to, you know, slice up the pie. And you named four -- four other potential sites. Wouldn't -- wouldn't it behoove the County as fiduciary -- since we're all throwing that term around -- to go after those which are owned by true private sector developers then this parcel?

LEG. CRECCA:

Like Gyrodene is a good example, compare the two. I mean, I bring that up only because that one is --

CHAIRMAN BISHOP:

It's rhetorical, frankly. I just wanted to raise the issue that that's what we're wrestling with --

MR. SHAUB:

And my answer to you is that I think we provide an opportunity, not only to preserve a piece for a green space and open space, but you we also preserve an educational place, a place where children and a place where the community can go and grow and learn about what Long Island

was like in colonial times. That makes a big difference, you know? If you like at Gyrodene, yes, it has a history of being an industrial plant, yes, it has a history of being actually a flower field at one time, it has that. But I don't think it goes back to the colonial roots that this particular parcel has. Plus, and I guess the other fact is, it's the interface of each of the sectors that makes this such a special place. You have the homestead, you have the woodlands, you have wetlands, you have the transition zone between that, what once was a farmland going into the woods that has the animals, that has all the other kinds of things that you would expect to find in a green space and in a park. When you walk through a place and you're able to see some of the plants and see some of the things that have grown in the area for years, it's an amazing kind of feeling.

CHAIRMAN BISHOP:

I've been here ten years. I've heard that every single purchase. Frankly, it's true, every piece of land is unique and wonderful. And if it's not developed on Long Island, it's extremely valuable, and it is a link to our historic past, and we want to preserve it. The point I was trying to raise is that there is a finite amount of money that we have dedicated to that purpose. And when you spend a third of the funds on something that's already owned by a society, which we assume is chartered for the purpose of preserving property, it's a little --

LEG. FISHER:

But they sold 25 acres in the 1980s.

CHAIRMAN BISHOP:

So they're not very good at following their charter it sounds like.

MR. SHAUB:

And we fought with them then and we're going to fight with them now.

MS. SPENCER:

I think I have an answer for you.

CHAIRMAN BISHOP:

Please, you had an answer for me before, so give me --

MS. SPENCER:

I know. I'll try again. Let me try one more time. When you talk about properties that are -- that are -- that you're trying to save from imminent development, many of those owners are unwilling to sell to you, because you wouldn't pay them as much as a private party will. And so what you have right now today is the opportunity, you have a willing seller. Right now the society, the trustees are willing to sell this parcel. They weren't in '89, and I can't say what will be tomorrow, but right now, you have an agreed upon price. And we're not going out looking for a private developer to give us more.

MR. GARBER:

May I add one other thing? My understanding is for the woodlands, the money for this, which is real money is 2002 Capital money. It has to be appropriated before the 31st of this month. There's, I think, 11 million in that kitty. There's no other project that is anywhere

along the line with a willing seller other than the SPLIA-County thing. So this is use it or lose it type money. I mean, it's real money, it's taxpayer money. But you're not in a position really of having prioritizing competing projects. This is the only project in the queue for this pool of money. And so either you approve that, you

take the opportunity, or go out.

CHAIRMAN BISHOP:

It's somewhat true. It's Capital money so it rolls over unlike Operating funds. It doesn't die. At this time, I'll make a motion to take out of order so we can discuss it and vote on it. 2235, seconded by Legislator Fields. All in favor? Opposed? Resolution 2235 is now before us and 2236 for purposes of discussion.

2235. To more fully identify parcel acquired under Greenway's Farmland Development Rights Program at Sherwood Jayne Farmstead, East Setauket, Town of Brookhaven. (FISHER)

2236. Approving acquisition under Suffolk County Multifaceted Land Preservation Program (back 36 acres of Sherwood Jayne Farmstead, East Setauket, Town of Brookhaven) (FISHER)

LEG. CRECCA:

If I can. Mine is sort of a question, but nobody has to come up with an answer to the question. But I don't know if it's ever been explored, obviously SPLIA wants to preserve this property. That is obviously their goal and their intended purpose for the property. And, of course, there's not a Legislator up here or a person in the room who would disagree that we all want to see that property preserved in its state. I guess my question might be, and it might be more rhetorical, I can ask Real Estate, have we every done a deal where we paid -- you know \$3.5 million is, I guess, the alleged fair market value for this 36 acre parcel. If SLPIA's purpose is to preserve it, and it's our purpose to preserve it, I guess I question why are we going to pay -- why pay full market value for the property? Have we ever explored a situation where, you know -- in other words, SPLIA could literally gift half the property to the County, and I'm not -- I bring this up only because the state of purpose is to preserve the property. It's not for SPLIA to make money off of or create a \$3.5 million trust. So what does SPLIA need in order to continue to do its purpose? Because maybe \$3.5 million is not the right price tag to keep SPLIA's mission going and to preserve this property.

DIRECTOR ISLES:

Well, we can't speak for SPLIA in terms of what they need or what they'll accept. We do know that --

LEG. CRECCA:

Have we ever done that type of thing? Like, when Blydenburgh gave -- and I'm not comparing it to that, but, you know, we have Gardiner and Blydenburgh. And I'm not saying that it's the same as SPLIA, they're different organizations, but there were -- there were, I guess, in some cases, it was outright gifting, and other cases there was consideration, but less consideration paid. So I guess I'm asking

what is the history of this and how has that been dealt with in the

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past?

DIRECTOR ISLES:

Well, certainly the history as I understand it is that there have been properties donated to the County at no consideration. Certainly that has happened. On the other hand, there have been parcels that we have acquired from not-for-profit organizations, including properties from the Nature Conservancy, for example, where they've held property, and it's been deemed to be appropriate for a County acquisition, and we paid market value for it. I will point out what we have handed out to you is a memorandum from the Planning Department that provides the appraised evaluation information. We do have two appraisals. The high end of this is 4.2 million, the negotiate price is 3.2 -- \$3,240,000 for the woodland part of the parcel. So in items of the mean if we look at that, it comes to 3.7 million. We are below that.

CHAIRMAN BISHOP:

When did we buy at full market value from the Nature Conservancy? That's a very similar situation. They're mission presumably when they own property is to preserve it. And they sold it to us, and we preserve it.

DIRECTOR ISLES:

Right. And I think what they do actually in their role is act as somebody to hold the property.

CHAIRMAN BISHOP:

Right. That's part of a deal, right? That's not --

DIRECTOR ISLES:

We're not obligated to buy it from them. We have a couple, for example, right now where they bought the properties a couple of years ago, hoping that we would buy it under the County program. We've since determined that it does conform, and the Legislature did approve it. But that was the case where they took that risk, and obviously we're not more than market value, of course, but we're paying market value, what we deem market value to be. That's been authorized and so forth. So there are -- that's an instance where they're acting as an agent for the protection of land and leveraging that money for future acquisitions.

CHAIRMAN BISHOP:

I was only aware that we bought property from the Nature Conservancy on structured arrangements where they would hold it, you know, and we would purchased it simultaneously from them.

DIRECTOR ISLES:
Sometimes --

CHAIRMAN BISHOP:
I didn't realize that they held it for years, and then we go back and --

DIRECTOR ISLES:
Yeah, I mean, they make a big leap of faith, and perhaps you can argue it that way.

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CHAIRMAN BISHOP:
There is an agreement at the time -- it's envisioned at the time of the --

DIRECTOR ISLES:
It's envisioned, but there's not an agreement, because we can't bind the Legislature at that time. We have a case right now with Iron Point in Southampton where there was a situation where the property owner said, I have to sell by the end of 2001. And it was either going to be gone or preserved at the time. The Nature Conservancy stepped in, bought the property with the town of Southampton, they've entertained or proposed to the County that the County buy it. It fits in excellently to the County acquisition program, and that's preceding. So they have served that role, I'm just making the point. Not to get off the track of Sherwood Jayne.

CHAIRMAN BISHOP:
Since I was making a point about precedent, if the precedent has been set previously, it's not much of a point any more. Legislator Fields.

LEG. FIELDS:
Tom, the rating it looks like is 25.

DIRECTOR ISLES:
Yes.

LEG. FIELDS:
Is that for the farmland or is that for the woodlands?

DIRECTOR ISLES:
The evaluation you have in front of you is strictly for the woodland, the 36 acres. We did since the last meeting do further review of this property. We were in contact with the Town of Brookhaven, for example. Laurette Fischer from the Planning Department has done research on the property, and at this point, we've come up with a minimum rating of 25, which does assume an arrangement with a manager, with a stewardship arrangement, with SPLIA. We also see where it's

possible that this can be extended up to about 35, if a trail were to be provided, which here again, we haven't made that assumption yet or if endangered species are present. We have not seen confirmation of that, although we have heard testimony of that today that there may be endangered species. But we feel that we can make a statement to you that this could rank 25.

LEG. FIELDS:
Out of?

DIRECTOR ISLES:
Out of 110. Typically 25 is the minimum.

LEG. FIELDS:
Thank you.

LEG. FISHER:
Could I just follow up on that, Mr. Chairman? However, we have had indications today by Mr. Mac Kay that there are endangered species on

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the property.

DIRECTOR ISLES:
Yes. And I guess there were some letters submitted, which we have --

LEG. FISHER:
Yes, but there have been letters submitted by Audobon.

MS. FISCHER:
The information that we did receive said that they could be possibly existing on the property, but they weren't actually noted as they went to the site.

LEG. FIELDS:
Generally what happens with that bird is that it's migrating through, it's not nesting on the property.

MS. FISCHER:
The Indigo Bunting is not a rare endangered species, although, it is rare for us to see it, and it is beautiful.

LEG. FIELDS:
You can see them in Central Park.

MS. FISCHER:
It is not -- by the New York State DEC, it's not a rare endangered species.

LEG. CRECCA:

Mr. Chairman. So the -- Real Estate has not explored anything other than a fair market -- I'm not saying that in a critical way, I just want to make sure I'm clear, other than presenting a fair market value for the property. When I say fair market value, the 3.2 that was negotiated here. There was no other types of payment over time or anything else like that? I know that would be usual, so I don't say it as a criticism, I just wanted to know if any of that was explored.

MR. BURKE:

No, it hasn't been. We don't -- we haven't done a payment over time situation in the past. I would say from my own personal experience of this property, at this value, 90,000 an acre, in this neighborhood is probably a very fair deal for the County. I would think if it went into private hands they could probably get at least 50% more at this time to a developer per acre.

CHAIRMAN BISHOP:

Does anyone want to speak to my philosophical questions about it.

DIRECTOR ISLES:

I understand your philosophical questions. I think we all assumed -- in fact, I was quite surprised when Sagtikos Manor came in and there was discussion of it being developed. They said, well, of course that can't be developed, George Washington stayed there, and it's an historic house, it's on the National Register. But the fact remained that there was no covenant, there was no deprotection of that. And although the trustees of Sagtikos Manor had to go through the State

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Supreme Court to get permission to transfer the property, there was no outright prohibition. So even though it seems a little bit inconsistent to have the ability to develop the property, nonetheless they did have that ability. So I think the same would apply here. I was involved in a case in the Town of Islip --

LEG. FISHER:

Another precedent here?

DIRECTOR ISLES:

I don't know about that. I mean, the fact does remain that there is no protection of this property current in place even though this is a beneficial or charitable type organization, they're subject to New York State laws and so forth. My understanding is that there are rights of development that exist, certainly on the 36 acres. I don't disagree with your point in terms of the priorities, but this is one where we do have -- we do feel it does qualify based on this current information. And I think the other point to make too is that the, you know, this -- in Western Suffolk County, we're continually running

into the problem where there just isn't much land left. And as we talk -- there was some discussion earlier, well, how about if we shave off ten acres or 15 acres or so. Actually, that weakens the rating, because the County policy is generally the larger parcels are more appropriate for County Park purposes versus smaller ones being town purposes.

CHAIRMAN BISHOP:

What about the gentleman, the civic leader, raised the point that is not crowding anything else out. He was saying that the fund expires at the end of the year. Leaving that aside, is it crowded anything out? We have a willing seller, we know that. We have issues of oversubscription, but we don't have issues of many willing sellers standing in line.

DIRECTOR ISLES:

No, we don't. As you know, that's always a -- go ahead.

MS. COSTIGAN:

Can I just respond to your philosophical question if you will, because from the of perspective of real estate, I'm uncomfortable if what is the extenuation of the philosophy would be that we approach willing sellers differently if they're not-for-profit corporations. I mean, an owner is an owner and a seller is a seller. And frankly, it's not for me to judge whether I should squeeze them harder because they are a not-for-profit. If they're in the position that they feel, the board feels, it's appropriate to sell, and that have we have reached a deal, I don't think I can second guess that decision because they are not a developer who's about to rip it open with a, you know, backhoe. So I would be more comfortable applying the same standards is what I'm saying.

LEG. CRECCA:

I understand what you're saying, Christine, but in the same respect too, I don't know if that's -- if I necessarily agree with that, because whenever you negotiate the deal, part of the negotiation of that deal is who the owner is and they're reason for selling. It does

come into play. You know, certainly -- and Jim is shaking his head. You're right, it's yes and no, but it is certainly a factor you have to consider. You know, we all -- we all have dealt with deals where it's a lot harder because, you know, if there's more pressure for development, does that tend to increase the value? I guess from a very empirical point of view it shouldn't, but we all know that in fact it does. And we've talked about this at other points with other properties that the surrounding pressures and a lot of the external factors and who the owner is and what's going to be done with the property and all that, those things do come into play, especially when

we're trying to decide what the true fair market value is or its real value to the County. I understand what you're saying.

MS. COSTIGAN:

To put it another way, I think if this were privately owned, we wouldn't be sitting here, because they wouldn't have sold it us at this price.

MR. BURKE:

We have a willing seller. One in the hand is worth two in the bush.

LEG. FISHER:

Homes that are going up about a half a mile away from that on Gnarled Hollow Road that were just built on one acre are going for over \$800,000 each home.

MR. BURKE:

This is not crowding out any other transaction we may or may not have on the multifaceted at this time. We don't have any other -- we don't have any other deal that we're pushing out or pushing aside. And there is nothing else in this area that we're pushing out or pushing aside at this time.

CHAIRMAN BISHOP:

I would -- I would -- I'm going to make a motion to discharge without recommendation.

LEG. CRECCA:

Second.

CHAIRMAN BISHOP:

They are only three members of a five member committee here and it really wouldn't be fair to the proposal to have it voted --

LEG. FISHER:

Is that for the farmland also? You're just going to discharge it that way.

CHAIRMAN BISHOP:

Yes, I'm going to do both.

LEG. CRECCA:

The bill talks about it being, I thought defining it, we have -- identify the parcel.

CHAIRMAN BISHOP:

Ten acre, 70/30 split with the Town of Brookhaven, for the development right, 800,000 approximately. But on 2235, motion to discharge

without recommendation by myself, seconded by Legislator Crecca. All in favor? Opposed? 2236, motion to discharge without recommendation by Legislator Fields, seconded by Legislator Crecca. All in favor? Opposed? The two resolutions are approved out of this committee without recommendation. They go to the full floor of the Legislature for consideration on Tuesday.

DIRECTOR ISLES:

Mr. Bishop, this is going to CEQ -- at least the open space acquisition is going to CEQ on Monday just for your information. I think there was some discussion whether this needed Parks Trustees. I think there may have been -- we were under the impression that it did. My understanding from Legislative Counsel is that it's not mandatory, although the sponsor wants to present it to them for informational purposes. We had some question as to that call, that's all. Nonetheless we support the acquisition. They're meeting next week, the 19th.

CHAIRMAN BISHOP:

Okay. So thank you. Are there any cards on any other issues? Stay there, and we'll go through the agenda. Thank you.

LEG. FISHER:

Thank you, Mr. Chairman, and thank you to the committee.

CHAIRMAN BISHOP:

Thank you. Okay. We're losing a member. Give him a minute. Okay. Let us commence.

INTRODUCTORY PRIME

2257. Establish land development policy for mixed use smart growth in Suffolk County. BISHOP

CHAIRMAN BISHOP:

Twenty-two fifty-seven is smart growth resolution, I'll make a motion to table.

LEG. CRECCA:

Second.

CHAIRMAN BISHOP:

Seconded by Legislator Crecca. All in favor? Opposed? TABLED (VOTE: 3-0-0-2) (Not present; Legs. Cooper and Caracciolo).

2276. Approving the appointment of John W. Caracciolo as a member of the Suffolk County Planning Commission representing the Town of Huntington. (COUNTY EXEC)

CHAIRMAN BISHOP:

Twenty-two seventy-six. Mr. Caracciolo is not here.

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LEG. FIELDS:

Motion to table.

CHAIRMAN BISHOP:

Motion to table by Legislator Fields, seconded my myself. TABLED.
(VOTE: 3-0-0-2) (Not present; Legs. Cooper and Caracciolo) .

2285. Authorizing the placement of certain properties owned by the County of Suffolk in public use pursuant to Section 406, New York State Real Property Law. (COUNTY EXEC)

CHAIRMAN BISHOP:

Counsel, please, 2285.

MR. SABATINO:

The purpose and the goal of this is to try to -- the purpose and goal is to try to save the County from paying taxes on a whole series of properties which are located, East Hampton, Riverhead, Shelter Island Southampton, Southold, by designating them for a public purpose. And you'll save \$12,380.84 for the 2180 and a half acres that would be dedicated to the status. We see these periodically, maybe --

CHAIRMAN BISHOP:

I thought when government owns property we don't pay taxes.

LEG. CRECCA:

It has to be for public use.

CHAIRMAN BISHOP:

They have to declare public use.

MR. SABATINO:

Yes.

CHAIRMAN BISHOP:

Otherwise government -- even government wouldn't pay taxes.

LEG. CRECCA:

Does this prevent us from selling these properties once we make this declaration? Not that I'm looking to sell them, I just wanted to know.

DIRECTOR ISLES:

I'll just defer to Counsel.

MR. SABATINO:

If the public use is not parkland, then the only way you can reverse it would be to make a declaration that the property is surplus to some County need, then have you to put it for public auction, it would take a two-thirds vote. So as long it's not dedicated to parkland purposes, just public use in general, you would still have the ability to do something with it.

DIRECTOR ISLES:

There's no interest in making it parkland at this point and no proposal for that.

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LEG. CRECCA:

And there's no immediate plans obviously on any of these properties to, you know, to sell them or to --

CHAIRMAN BISHOP:

We pay taxes on foreclosures?

LEG. CRECCA:

Yes.

DIRECTOR ISLES:

Yes. Yes, we do. We pay the tax to jurisdictions, yes.

CHAIRMAN BISHOP:

Okay.

LEG. CRECCA:

I'll make a motion.

CHAIRMAN BISHOP:

Motion to approve by Legislator Crecca, seconded by Legislator Fields. All in favor? Opposed? APPROVED (VOTE: 3-0-0-2) (Not present; Legs. Cooper and Caracciolo)

2296. Implementing Aquaculture Committee recommendations in connection with County Shellfish Cultivation Leasing Authority (Peconic and Gardiner's Bay) (CRECCA)

CHAIRMAN BISHOP:

Twenty two ninety-six, this is your bill.

LEG. CRECCA:

Yes. I'm going to let Counsel explain it though.

CHAIRMAN BISHOP:

Excellent move.

LEG. CRECCA:

Well, I'd be happy to explain it, but I really believe that in this particular case that Counsel can do a better job than I can. And it's rare that I actually feel that way.

MR. SABATINO:

A weak moment. Actually, this is an outgrowth of the last session we had, and Legislator Crecca during the meeting had come and spoke to me, and we talked a little bit afterwards. And basically what this does is it's going to establish direction for planning the Environmental Quality Division and Health Services and Public Works to jointly prepare a written document to get the survey prepared and to analyze the feasibility, the liability, all things that are necessary for determining within 120 days, you know, what has to be done in terms of implementing that state statute. By getting the survey, you can start the process of getting the answers to all the other questions.

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LEG. CRECCA:

Basically the intention of the bill, and certainly I invite comment from both Planning and Vito if you want to comment on it from an environmental health point of view, I guess the question is we've talked about the possibility of developing this, we've talked about some of the problems that we anticipate having with state law and all, and I guess what we want to do is let's make a determination what it is we have to do if we want to move forward on this program. And I thought that why don't I get those departments together that are the experts and sort of put the pressure on them to say, get this done, report back to us, and make it more official so we can make a policy decision as a Legislature and a government.

DIRECTOR ISLES:

We think it's the next logical step, whether it's done formerly or informally, because the committee talked about it last time. So we would support the resolution. We think it's an advancement in progress in terms of the County coming up with an aquaculture program for the East End. The only point I would make, a minor point, is that three departments are given the responsibility to do this job. And in terms of who's actually going to have lead responsibility, it might be helpful to clarify that even verbally. We would volunteer in the Planning Department to take lead responsibility, if you would like us to.

LEG. CRECCA:

Vito is nodding his head yes, yes, yes, yes.

DIRECTOR ISLES:

So is DPW.

LEG. CRECCA:

It's either Vito or it's Tom in the room. So I pick Tom.

DIRECTOR ISLES:

And Leslie Mitchell is here from Public Works. I think we all work together very well, but just that we'll be happy to take the lead in terms of ensuring that the product is done and working with the two other departments if you would like us to since we did the aquaculture study.

CHAIRMAN BISHOP:

This is the surveying work?

DIRECTOR ISLES:

It's actually scoping out what would be required to implement a leasing plan. And so it's defining for the Legislature the exact steps of what information would be needed.

CHAIRMAN BISHOP:

And the timetable.

DIRECTOR ISLES:

Mapping. Is 120 days, which we can meet that too.

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LEG. CRECCA:

I mean, if -- I see the other two departments nodded yes, so I assume we don't have to say that Planning will take the lead on it, if you're comfortable with that. And I see the other two departments are comfortable with that. I think it is the more appropriate of the three departments to take the lead on it. I would make a motion to approve.

CHAIRMAN BISHOP:

Motion to approve, seconded by Legislator Fields. All in favor?
Opposed? APPROVED (VOTE: 3-0-0-2) (Not present; Legs. Cooper and Caracciolo)

Congratulations on your empire building.

LEG. CRECCA:

I've always had such a strong interest. Being the landlocked Legislator, I think it's appropriate that I am sponsoring the aquaculture bill.

DIRECTOR ISLES:

You have Spectacle Lake.

CHAIRMAN BISHOP:
Are you landlocked?

LEG. CRECCA:
With the exception of Spectacle Lake.

CHAIRMAN BISHOP:
Quite a spectacle.

2300. Appropriating funds in connection with the Suffolk County Multifaceted Land Preservation Program. (COUNTY EXEC).

MR. SABATINO:
This is basically to make certain that the balance that's outstanding in the \$13 million fund, which I think is about 811,000. It doesn't get lost. So by appropriating money, it will be available next year to fund acquisitions during the course of the year that you actually come to approve.

CHAIRMAN BISHOP:
Motion by myself, seconded by Legislator fields. All in favor? Opposed? It's APPROVED. (VOTE: 3-0-0-2) (Not present; Legs. Cooper and Caracciolo)

To the CEQs. The red coat is here. He's counterintuitive that way.

CEQ RESOLUTIONS

59-02. Proposed SEQRA classifications of Legislative resolutions laid on the table October 8th, November 7th and November 19, 2002.

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CHAIRMAN BISHOP:
Motion by myself, seconded by Legislator Crecca. All in favor? Opposed? APPROVED (VOTE: 3-0-0-2) (Not present; Legs. Cooper and Caracciolo)

60-02. Proposed improvements to the Long Island Steamers Facility, Southaven County Park, Yaphank, Town of Brookhaven.

CHAIRMAN BISHOP:
This is the railroad track, the little railroad track that goes --

MR. BAGG:
That's correct.

CHAIRMAN BISHOP:
Motion by Legislator Fields, seconded by Legislator Crecca. All in favor? Opposed? APPROVED (VOTE: 3-0-0-2) (Not present; Legs. Cooper

and Caracciolo)

61-02. Proposed resurfacing of existing paved areas of Timber Point, County Park, Great River, Town of Islip, Type II.

CHAIRMAN BISHOP:

Motion by Legislator Fields, seconded by Legislator Crecca. All in favor? Opposed? APPROVED (VOTE: 3-0-0-2) (Not present; Legs. Cooper and Caracciolo)

62-02. Proposed renovations to existing clubhouse at Timber Point County Park, Great River, Town of Islip.

CHAIRMAN BISHOP:

Motion by Legislator Fields, seconded by myself. All in favor? Opposed? APPROVED (VOTE: 3-0-0-2) (Not present; Legs. Cooper and Caracciolo)

63-02. Proposed construction of Kings Park Outfall Pipe Protection, unlisted action, negative declaration.

LEG. CRECCA:
Explanation.

CHAIRMAN BISHOP:
Explanation.

LEG. FIELDS:
Explanation.

MR. BAGG:
For the record, my name is James Bagg. I'm the chief environmental analyst in the Suffolk County Department of Planning and work for the Council on Environmental Quality. This project involves the construction of a reventment to protect the outfall pipe along the shore as well as removal of the abandoned pipe and replacement of a manhole at the east end of Kings Park outfall pipe for protection purposes. It's currently experiencing erosion, and it is a problem there. So the Council recommends it's an unlisted action and will not

have a significant impact on the environment for the following reasons; none of the criteria exceeded, no significant habitats will be affected, and project will prevent further erosion and protect the outfall pipe.

LEG. CRECCA:
Thank you. Motion.

LEG. FIELDS:
Second.

CHAIRMAN BISHOP:
Motion by Legislator Crecca, seconded by Legislator Fields. All in favor? Opposed? APPROVED (VOTE: 3-0-0-2) (Not present; Legs. Cooper and Caracciolo)

64-04. Proposed addition to the Riverhead Suffolk County Center Court Record Storage Facility.

LEG. CRECCA:
Motion.

CHAIRMAN BISHOP:
Motion by Legislator Crecca, seconded by myself. All in favor? Opposed? APPROVED. (VOTE: 3-0-0-2) (Not present; Legs. Cooper and Caracciolo)

65-02. Proposed intersection improvements on County Road 16 Smithtown Boulevard in at Gibbs Ponds Road, Town of Smithtown.

CHAIRMAN BISHOP:
Motion by Legislator Crecca, seconded by myself. All in favor? Opposed? Sixty-five is APPROVED. (VOTE: 3-0-0-2) (Not present; Legs. Cooper and Caracciolo)

66-02. Proposed modification for compliance with the Americans with Disability Act to install an ADA restroom at Vanderbilt Museum.

LEG. CRECCA:
Motion.

LEG. FIELDS:
Second.

CHAIRMAN BISHOP:
Motion by Legislator Crecca, second by Legislator Fields. All in favor? Opposed? APPROVED (VOTE: 3-0-0-2) (Not present; Legs. Cooper and Caracciolo)

67-02. Proposed Koch and Donoher Nature Preserve, donation of one-tenth of an acre of wetlands to Suffolk County.

CHAIRMAN BISHOP:
Motion by Legislator Fields, seconded by myself. All in favor? Opposed? APPROVED (VOTE: 3-0-0-2) (Not present; Legs. Cooper and Caracciolo)

68-02. Proposed construction of CYS Boys and Girls Club Recreation Center and Associated Athletic Fields, Town of Brookhaven.

LEG. FIELDS:

Motion.

CHAIRMAN BISHOP:

Motion by Legislator Fields, seconded by Legislator Crecca. All in favor? Opposed? APPROVED (VOTE: 3-0-0-2) (Not present; Legs. Cooper and Caracciolo)

69-02. Proposed review of the final scope for the draft generic Environmental Impact Statement for the Suffolk County Vector Control and wetland long term plan, recommendation to approve the final scope.

CHAIRMAN BISHOP:

Is this the moment where I'm committing to the four and a half million dollar study? What's the implication on voting to approve this.

MR. SABATINO:

Actually, you really have to look at the next three in tandem in my judgment, because the three of them seem to be the composite of decision making that took place at CEQ.

CHAIRMAN BISHOP:

Mr. Bagg, do you want to enlighten us as to...

MR. BAGG:

Well, basically with respect to the County's Vector Control and wetland management long term plan, the Legislature, I believe, already issued a positive declaration requiring the preparation of a draft generic environmental impact statement on that plan.

CHAIRMAN BISHOP:

Right.

MR. BAGG:

This simply is approval of the scope of that draft generic environmental impact statement.

CHAIRMAN BISHOP:

But what happened was that we had a plan in mind, and then it went through a process, and it came out twice as big. And I don't know if we all want to commit to that. So what I'm looking for are the moments when I'm taking votes that move that along, because I don't want to necessarily do that.

MR. BAGG:

Well, the CEQ's recommendation is for approval of the final scope for

the DGEIS, not the plan in total.

CHAIRMAN BISHOP:

No. The study is what I'm looking at, is that right, Mr. Minei?

MR. MINEI:

Yes. As you recall, CEQ does convene the scoping process, they also

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convene a scoping work group to work on evaluating all of the comments that were brought in by various agencies and from the public, and then that work group proposed to the larger group of the CEQ the expanded scope. So conceptually you are indeed expanding on the original work plan, but if there are individual projects, I think we still have the opportunity to scale back on it. But conceptually, you are proposing a larger scope than what was in the original work plan.

CHAIRMAN BISHOP:

And this is one of those moments, those watershed moments, the defining moments. I'm not supporting this, so it needs to be tabled because there is not enough votes anyway.

LEG. CRECCA:

Let's table it, and then if we can get some from Vector Control and all Vito, there's a position on environmental science, that you guys have on it.

CHAIRMAN BISHOP:

I want a study, a comprehensive study, but not that comprehension.

MR. MINEI:

Just for the record, I mean, please keep in mind that, yes, indeed this scope is growing and the work plan has expanded, but it was done so at the behest of CEQ not at the request of either the Departments of Public Works or the Department of Health Services.

LEG. CRECCA:

Right.

MR. MINEI:

There's a tremendous amount of input.

LEG. CRECCA:

But Legislator Bishop's point is if you think, I would like to see the comments from Vector Control and the comments from the Health Department as to is the scope too broad now. If it is --

CHAIRMAN BISHOP:

I think too broad is a subjective, you know -- they can do the work,

that's not the issue. The issue is how much work does the policy board want to tell them to do.

MR. MINEI:

Basically, the parameters are set in place. You could do the bare minimum that Westchester and New York City did for about a million and a half dollars and do I GEIS. We, the Health Department, recommended against that. I'm not a proponent of how those things were done. We were the proponents of the work plan. Now, somewhere between what we proposed at the two and a half million dollar start to this now expanded scope of four point four million, almost four and a half million, because of what the CAC wants to do, is really the decision point we'd like you to make. And what, I think, we will do is we'll provide you a little primer of what -- of what was, per task, what was the work, what was the value. It's pretty elaborate, I mean, it's a pretty complex project, it's multifaceted.

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LEG. CRECCA:

If you could do that from -- I don't know if you can do this, Vito, but when you present that to us, maybe present it at a minimum level as to what Westchester and New York City did and a maximum level as to what --

CHAIRMAN BISHOP:

What came out of this process.

MR. MINEI:

We had that comparison to begin with. What I think would be most helpful at this juncture is to prepare what the tasks were, what were work was prescribed, what we thought we were getting for two and a half million dollars, what the scoping request and the increase task and their value added to the project is, and then I think you will legitimately have before you what you can vote on.

LEG. CRECCA:

Thank you.

70-02. Proposed Suffolk county Department of public Works - 2003 Vector Control Plan of Work (recommendation - impermissible segmentation)

71-02. Corrected copy - Intro Resolution No. 2225-2002, Authorizing the continuation of the 2002 Vector Control Plan of the Department of Public Works pursuant to Section C8-4(B)(2) of the Suffolk County Charter for 2003. (Type II Action)

CHAIRMAN BISHOP:

Since -- thank you. That would be helpful. Since 70 and 71 are of a

piece with 69 --

LEG. CRECCA:
Motion to table.

CHAIRMAN BISHOP:
Motion to table by Legislator Crecca, seconded by self on 70. TABLED
(VOTE: 3-0-0-2) (Not present; Legs. Cooper and Caracciolo)

Same motion, same second, same vote on 71. TABLED (VOTE: 3-0-0-2)
(Not present; Legs. Cooper and Caracciolo)

CHAIRMAN BISHOP:
That concludes CEQ. So we have so reshuffle the deck.

LEG. CRECCA:
Just for the record, Ms. Mitchell is wearing red to counteract the
lack of red from Mr. Bagg.

MS. MITCHELL:
Trying to be festive. The CEQ recommendation number 71-02. That's on
our on annual plan of work, which, as you know, we -- the Legislature
only meets one more time this year. So if January 1 comes around and
we do not have a plan of work approved, we will not have Vector
Control employees doing Vector Control work. They will be deployed to

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the highway area.

CHAIRMAN BISHOP:
Does this have any -- does the plan of work have anything to do with
the size of the study?

MS. MITCHELL:
No.

CHAIRMAN BISHOP:
No. Everybody -- motion to reconsider 71-02 by myself, seconded by
Legislator Crecca. All in favor? Opposed? 71-02 is now before us.
Motion to approve by myself, second by Legislator Crecca. All in
favor? Opposed?

LEG. FIELDS:
Abstain.

CHAIRMAN BISHOP:
Oh, boy. Now, two of a five member committee, where are we at?

MR. SABATINO:

Well, this -- this is the prime committee, so you would need three.

CHAIRMAN BISHOP:

Motion to --

LEG. CRECCA:

Discharge without recommendation.

MR. SABATINO:

In all honesty, I think -- hold on just one second. The actual legislation that will -- the actual legislation will continue to plan it in front of the Health Committee, because the Health Committee is prime on the underlying legislation. So this was just CEQ's recommendation with regard to the SEQRA determination for that legislation. So worst case scenario is that even if this committee is disinclined to approve this recommendation, the full Legislature will still have the option of voting on the SEQRA determination that's contained in the bill that's actually at the Health Committee. So it's not --

CHAIRMAN BISHOP:

It's irrelevant.

MR. SABATINO:

It's not -- well, it's part of the process. It's important to show that you went through the process. Whether it's tabled or defeated or approved will not be critical at the end.

CHAIRMAN BISHOP:

So the motion is defeated by a motion of 2-0-1. So let's move on.

LEG. CRECCA:

Before you call the vote, I did make a motion to discharge without recommendation.

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CHAIRMAN BISHOP:

There was no second, so let's -- it's fine. FAILED (VOTE: 2-0-1-2)
(Not present; Legs. Cooper and Caracciolo)

1412. Adopting Local Law No. -Year 2002, A Charter Law adding XXXVII to the Suffolk County Charter to provide a Suffolk County Open Space (SOS) Fund. (FISHER)

CHAIRMAN BISHOP:

Motion to table by Legislator Fields, seconded by myself. All in favor? Opposed? 1412 is TABLED. (VOTE: 3-0-0-2) (Not present; Legs. Cooper and Caracciolo)

1540. Authorizing planning steps for the acquisition of land under pay-as-you-go 1/4% Taxpayer Protection Program (Land at Ronkonkoma Cenacle) (CARACAPPA)

CHAIRMAN BISHOP:

Motion to table by myself, seconded by Legislator Crecca.

LEG. CRECCA:

I can't second this, I am opposed to tabling it.

CHAIRMAN BISHOP:

Motion to table by myself, seconded by Legislator Fields. All in favor? Opposed? It's tabled by a vote of 2-1. TABLED (VOTE: 2-1-0-2) (Not present; Legs. Cooper and Caracciolo) (Opposed; Leg. Crecca)

MR. SABATINO:

You'll be able to strike those from your next agenda.

1828. Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (property of WDP Enterprises at Ronkonkoma) Town of Brookhaven. (CARACAPPA)

MR. SABATINO:

This one was tabled because the ranking way back at the beginning was suggested as being five, and I think there was going to be some --

CHAIRMAN BISHOP:

I thought he was going to move it to active recreation, never happened, okay. Motion to table by myself, seconded by Legislator Fields. All in favor? Opposed? (VOTE: 2-1-0-2) (Not present; Legs. Cooper and Caracciolo) (Opposed; Leg. Crecca)

LEG. CRECCA:

Opposed.

TABLED (VOTE: 2-1-0-2) (Not present; Legs. Cooper and Caracciolo) (Opposed; Leg. Crecca)

1840. Appropriating 1/4% sales tax proceeds for pay-as-you-go open space acquisition of Camelot/Paumanok Wetlands property, Town of Huntington (Suffolk County Tax Map No. 1400-191.00-02.00-024.000) (PRESIDING OFFICER)

CHAIRMAN BISHOP:

Motion to table by myself, seconded by Legislator Crecca. I spoke to the Supervisor of Town of Huntington, who is coming over with a modified proposal, we look forward to receiving it. One of the things that he pointed out was that at my request the town went back and had

an appraiser consider what the value of the special use permit was, and it came back as zero. I'm dubious of that. What I want to know is the appraiser -- did you see this correspondence from the town?

DIRECTOR ISLES:

No, I haven't.

CHAIRMAN BISHOP:

All right. So what I will do is I will ask my staff to forward to your attention. What I'm interested in is is this appraiser on our list or is this somebody who's, you know, Huntington's guy, so to speak.

DIRECTOR ISLES:

We can easily check that.

CHAIRMAN BISHOP:

Or is it a neutral?

DIRECTOR ISLES:

Yeah, we can do that. Okay.

CHAIRMAN BISHOP:

I'd appreciate that information. So this is TABLED. (VOTE: 3-0-0-2)
(Not present; Legs. Cooper and Caracciolo)

1911. Appropriating Greenways infrastructure improvements fund grant for Miller Place property in the Town of Brookhaven. (HALEY)

CHAIRMAN BISHOP:

Is everything in order?

MR. SABATINO:

No, we still need a PAL Resolution.

CHAIRMAN BISHOP:

Motion to table by Legislator Fields, seconded by myself. All in favor? Opposed? TABLED (VOTE: 3-0-0-2) (Not present; Legs. Cooper and Caracciolo)

1912. Approving acquisition under Suffolk County Land Preservation Partnership Program (Ridgehaven Estate, LLC property) Town of Brookhaven. (HALEY)

CHAIRMAN BISHOP:

That's also missing something, right?

MR. SABATINO:

Town board resolution on that one.

CHAIRMAN BISHOP:

Motion to table by myself, seconded by Legislator Fields. All in favor? Opposed? TABLED (VOTE: 3-0-0-2) (Not present; Legs. Cooper and Caracciolo)

1913. Approving acquisition under Suffolk County Multifaceted Land Preservation Program for Stage II Active Parklands (property in Ridge) Town of Brookhaven. (Haley)

MR. SABATINO:

Here we have two different organizations, civic groups, that we need resolutions from, plus we need SEQRA and BRO.

CHAIRMAN BISHOP:

That's it. Motion to table by Legislator Fields, seconded by myself. TABLED (VOTE: 3-0-0-2) (Not present; Legs. Cooper and Caracciolo)

1917. Authorizing planning steps for the acquisition of land under pay-as-you-go 1/4% Taxpayer Protection Program (land on Granny Road, Town of Brookhaven) (TOWLE)

MR. SABATINO:

The last time that this -- in the middle of the process this was tabled for planning -- it was for planning to -- I think Planning had some reservations, and they were to contact the sponsor. I think that may have taken place, but didn't lead to anything.

DIRECTOR ISLES:

Yeah. I did contact the sponsor's Legislative Aide approximately three or four weeks ago. They indicated that -- basically to get more information as to why this should be -- should be purchased in the County's program. I have not received anything back, and I sensed a hesitancy in terms of moving forward, but that's all I can report at this time.

CHAIRMAN BISHOP:

Motion to table by Legislator Fields, second by myself. TABLED (VOTE: 3-0-0-2) (Not present; Legs. Cooper and Caracciolo)

1986. Authorizing planning steps for the acquisition of farmland under pay-as-you-go 1/4% Taxpayer Protection Program (land of Carman at Sound Avenue, Town of Riverhead) (CARACCILOLO)

CHAIRMAN BISHOP:

I will note that it was speculated that Legislator Caracciolo's excused absence would make the committee go a lot faster today. That hasn't been the case. So we should look in the mirror. Motion to table by myself -- everything in order here?

LEG. CRECCA:

Well, he tabled it last time so.

CHAIRMAN BISHOP:

Motion to table by myself, seconded by Legislator Crecca. All in favor? Opposed? TABLED (VOTE: 3-0-0-2) (Not present; Legs. Cooper and Caracciolo)

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2004. Suffolk County Private Well Water Remediation Program.
(CARACCILOLO)

CHAIRMAN BISHOP:

Motion to table by Legislator Fields, seconded by myself. All in favor? Opposed? TABLED (VOTE: 3-0-0-2) (Not present; Legs. Cooper and Caracciolo)

2043. Declaring a governmental need for underwater lands located in Peconic and Gardiners Bay. (COUNTY EXEC)

LEG. CRECCA:

Why did we table this last time?

MR. SABATINO:

That was the aquaculture debate that took place.

LEG. CRECCA:

Oh, this is -- okay, I remember this, yes.

CHAIRMAN BISHOP:

Leaving this in limbo by tabling it, has what implication?

MR. SABATINO:

In light of Legislator Crecca's initiative, I think -- I think you're doubled obligated to delay action on this to get the information, because Legislator Crecca's bill will hopefully get us to a point where we know what we're doing.

CHAIRMAN BISHOP:

Yeah. They would make the case that Legislator Crecca's bill has the opposite impact, that they think that we should approve this.

LEG. FIELDS:

Motion to table.

LEG. CRECCA:

I'll second the motion to table.

DIRECTOR ISLES:

Our main concern would be the authorization of the redemption. And that's not happening, so that's what we are most concerned with.

CHAIRMAN BISHOP:

Motion to table by Legislator Crecca, seconded by Legislator Fields.
All in favor? Opposed? TABLED (VOTE: 3-0-0-2) (Not present; Legs.
Cooper and Caracciolo)

2045. Authorizing acceptance of a gift of personal property from Robert David Lion Gardiner, former owner of Sagtikos Manor and the Robert David Lion Gardiner Foundation, Inc. (CARPENTER)

CHAIRMAN BISHOP:

Is this still in order? You've got to be really rich to have four names.

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MR. SABATINO:

There's an open question. I mean, the article in the paper that occurred in the intervening period indicated that the County paid for the contents, but I don't know if the article was accurate or not.

MS. COSTIGAN:

No, the article was not accurate. We paid for the real property, the contents were by gift.

LEG. CRECCA:

And this article was in Newsday? I'm shocked and appalled by the fact that it was inaccurate.

CHAIRMAN BISHOP:

This is now accepting the gift.

MS. COSTIGAN:

No. This is unnecessary. We already -- he already gifted them to us by outright gift with no limitations.

LEG. FIELDS:

Motion to table subject to call, seconded by myself. All in favor?
Opposed? TABLED SUBJECT TO CALL. (VOTE: 3-0-0-2) (Not present; Legs.
Cooper and Caracciolo)

2051. Authorizing planning steps for implementing Greenways Program in connection with acquisition of active parklands at Broadway, Amityville, Town of Babylon. (POSTAL)

CHAIRMAN BISHOP:

Motion to table by myself.

LEG. CRECCA:
Second.

CHAIRMAN BISHOP:
Erin, please contact the sponsor and tell her that she needs to be here if it's going to move. TABLED (VOTE: 3-0-0-2) (Not present; Legs. Cooper and Caracciolo)

2058. Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Greis property at Oakdale, Town of Islip) (FIELDS)

LEG. FIELDS:
Motion to table.

CHAIRMAN BISHOP:
Motion to table by Legislator Fields, seconded by myself. 2058 is TABLED (VOTE: 3-0-0-2) (Not present; Legs. Cooper and Caracciolo)

2062. Authorizing planning steps for acquisition of land under pay-as-you-go 1/4% Taxpayer Protection Program (land at Spectacle Lake, Town of Smithtown) CRECCA

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LEG. CRECCA:
This was the -- I thought we approved this last time, 2062. It was on the -- I thought it got out of committee last time.

DIRECTOR ISLES:
There may have discussion of switching it to 12-5-E.

CHAIRMAN BISHOP:
Oh, that's right.

DIRECTOR ISLES:
For both of these resolutions.

CHAIRMAN BISHOP:
Did that occur?

DIRECTOR ISLES:
I'm not sure if it happened or not, but I think we talked about it when we realized how much money was in 12-5-E.

MR. SABATINO:
The corrected copy -- the corrected copy was filed on the 29th.

CHAIRMAN BISHOP:

Good work, Legislator. Motion to approve by Legislator Crecca, seconded by myself. All in favor? Opposed? APPROVED (VOTE: 3-0-0-2) (Not present; Legs. Cooper and Caracciolo)

CHAIRMAN BISHOP:

And we did 2235 and 36. Is there any other business to be brought before the committee?

LEG. CRECCA:

No. I just want to say I had complete that Legislative Counsel would make that amendment, and that's why I had to do nothing to make sure that that happened.

CHAIRMAN BISHOP:

Motion to adjourn by myself, seconded by Legislator Crecca. We stand adjourned.

(*THE MEETING WAS ADJOURNED AT 4:33 P.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY